

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

MICHAEL A. BROWN and JOAN SERRECCHIA
O/B/O the late RICHARD J. MILLER,

**TRIAL ORDER ON
CONSENT**

Plaintiffs,

-against-

19 Civ. 11588
(PMH)(PED)

NEW YORK STATE TROOPER E. E. REISER and
NEW YORK STATE TROOPER T. A. CHARKO,

Defendants.

X

WHEREAS, the above action is scheduled to proceed to trial before this Court on or about March 20, 2023; and,

WHEREAS, the parties through their counsel have reached stipulations concerning what evidence may or may not be presented to the seated jury;

NOW, therefore, on motion of Bloom & Bloom, P.C., it is hereby ORDERED that upon the trial of this action:

- a) Plaintiff Joan Serrecchia's, on behalf of the late Richard Miller's, Ninth Cause of Action is dismissed with prejudice; and,
- b) Notwithstanding the Ninth Cause of Action being dismissed with prejudice, Plaintiffs will be permitted to submit evidence to the jury concerning the late Richard Miller vomiting in the vehicle Plaintiff Michael Brown was driving on September 11, 2019, and Richard Miller's general anxiety (being scarred) and emotional distress which occurred during his interaction with the Defendants on September 11, 2019; and,

- c) Defendants' expert witnesses Dr. Matthew Majeske Majeske and David S. Goldfarb, M.D., shall not testify at trial and their reports shall not be received in evidence; and,
- d) Defendants shall not object to Plaintiff Michael Brown testifying that he had permission from Ms. Beverly Constabile to drive and use her 2004 Ford F-150 pickup-truck; and,
- e) Defendants shall not seek to offer evidence or ask questions concerning any arrests or criminal convictions Plaintiff Michael Brown or the late Richard Miller had; and,
- f) Defendants shall not seek to offer the medical records of the late Richard Miller; and,
- g) Defendants shall not seek to offer evidence or ask questions concerning either Plaintiff's past drug use; and
- h) Plaintiffs will not seek to offer evidence or question Trooper Reiser as to any prior disciplinary investigations involving him or the results of any investigations.

Dated: 3/20, 2023
White Plains, New York



Hon. Paul E. Davison
United States Magistrate Judge

**CONSENT TO THE FOREGOING BEING ENTERED IS HEREBY EXTENDED
AS TO BOTH FORM AND CONTENT**

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Attorneys for
Plaintiff Michael Brown and
Joan Serrecchia
for the late Plaintiff, Richard J. Miller

2/9/2023
Date

2/10/23
Date

Neil Shevlin
Neil Shevlin, AAG
NYS Attorney General
28 Liberty Street, 18th Fl.
New York, New York 10005

2/10/23
Date

Attorneys for Defendants
NEW YORK STATE TROOPER L. E. REISER and
NEW YORK STATE TROOPER T. A. CHARKO